

Appl. No. 09/888,651  
Amendment dated October 20, 2003  
Reply to Office Action of July 18, 2003

### **Remarks**

Claims 6-14 and 16-18 are pending in the application, with claims 16 and 17 being the independent claims. Claims 1-5 and 15 have been canceled. Claims 8 and 9 have been amended to depend from claim 17.

### **Acknowledgement of Allowed Subject Matter**

The indication that claim 12 is allowable and that claim 16 is allowed is gratefully noted.

### **New Matter Objection**

Attached is a Certification/Declaration from a professional translator attesting to the accuracy of the corrected translation and the Amendment filed October 3, 2002. Accordingly, withdrawal for the new matter objection is respectfully requested.

### **Rejections under 35 U.S.C. § 103**

Claims 6, 9-10, and 17-18 stand rejected under 35 U.S.C. §103 as being unpatentable over Applicant's Admitted Prior Art ("AAPA") in view "Modern Ceramic Engineering" to Richerson ("Richerson").

Reconsideration of the combination of AAPA and Richerson is respectfully requested. Richerson teaches away from uses such as in AAPA, and accordingly, one skilled in the art would not make such a combination. The Action proposes that Richerson would be used in AAPA to "reduce wear and friction". However, as noted in Richerson on page 359, "[t]he barriers to more extensive use [of ceramics] include brittleness and low toughness (leading to the tendency to fracture during handling or under contact loading)...". A lining used in accordance with AAPA requires extreme toughness. Tobacco processing machines such as in AAPA process in the range of 16000-20000 cigarettes per minute, and the lining in the processing machine is in direct contact with

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flowable tobacco material. Accordingly, when considering the teachings of Richerson, one skilled in the art would not use a ceramic for this purpose.

Accordingly, claims 6, 9, 10, 17 and 18 are allowable over the AAPA and Richerson.

Claim 8 stands rejected under 35 U.S.C. §103(a) as being unpatentable over AAPA in view of Richardson and GB 885,485. As noted above, the combination of the AAPA and Richerson is improper. Accordingly, claim 8 is allowable

Claims 7, 9-11, 13-14, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 197 33 443 in view of AAPA and Richerson. As noted above, the combination of the AAPA and Richerson is improper. As such, claims 7, 9-11, 13, 14, 17 and 18 are allowable.

All of the stated grounds of objection and rejections have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

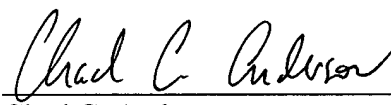
If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

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A Notice of Allowance with claims 6-14 and 16-18 is respectfully requested.

Respectfully submitted,

Date: 10/20/03

  
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